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3 **FILED
DISTRICT COURT OF GUAM**

4 **AUG 20 2002**

5 **MARY L. M. MORAN
CLERK OF COURT**

6

4 *Attorneys for Defendants*

7 **IN THE DISTRICT COURT OF GUAM**

8 KAIOH SUISAN CO., LTD.) CIVIL CASE NO. 02-00015

9 Plaintiff,)

10 vs.)

11 TOM T. KAMIYAMA, YOSHIE M.)
12 KAMIYAMA and GUAM YTK CORP.,)

13 Defendants.)

14 **SCHEDULING ORDER**

15 Pursuant to Rules 16 and 26(f) of the Federal Rules of Civil Procedure, and Local
16 Rule 16.1 for the District Court of Guam, the parties hereby submit the following Scheduling
17 Order:

18 1. The nature of the case is as follows: This is an action to recover Two
19 Hundred Thousand Dollars (\$200,000.00) advanced by Plaintiff to Defendants. That amount was
20 to be paid-in capital of Guam Kai-Oh Co., Ltd., a Guam Corporation. Plaintiff allege that the
21 amount was converted by the Defendants and seek damages and equitable relief for conversion and
22 fraud. Defendants have denied the substantive allegations of the Complaint and affirmatively pled
23 that actions taken by the Defendants were on behalf of and authorized by Guam Kai-Oh Co., Ltd.,

ORIGINAL

1 and the Plaintiff.

2 2. The posture of the case is as follows: (a) The following motion s are on
3 file: None.; (b) The following motions have been resolved: None; (c) The following discovery has
4 been initiated: On July 2, 2002, Plaintiff filed and served the Disclosures required by F.R.C.P.
5 Rule 26(a)(1)(A) and (B).

6 3. All motions to add parties and claims shall be filed on or before: November
7 15, 2002.

8 4. All motions to amend pleadings shall be filed on or before: November 15,
9 2002.

10 5. Status of discovery: (a) The times for disclosures under Rules 26(a) and
11 26(e) of the Federal Rules of Civil Procedure is modified as follows: None., (b) The following
12 is a description and schedule of all pre-trial discovery each party intends to initiate prior to the
13 close of discovery:

14 **PLAINTIFF:** Plaintiff has requested and Defendants have agreed to provide documents
15 disclosing disbursement or expenditures of the two hundred thousand dollars (\$200,000.00)
16 advanced to Defendants; documents setting forth or referencing communications between
17 Defendants and anyone concerning expenditures or disbursement of the above amount; documents
18 showing disbursements or expenditures from the accounts of Guam Kai-Oh, Ltd.; and documents
19 setting forth or referencing communications between Defendants and anyone concerning
20 expenditures or disbursements from accounts of Guam Kai-Oh Co., Ltd. Plaintiff has not yet
21 received these documents. In addition, Plaintiff plans to discover, by production requests or
22 interrogatories, the identity of persons with relevant information concerning: disbursement or
23 expenditure of the referenced amount; assets and property, real or personal, acquired with the

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1 referenced amount; and persons with relevant knowledge concerning Defendants' affirmative
2 defenses that expenditures of the above referenced amount were on behalf of and authorized by
3 Guam Kai-Oh Co., Ltd., and Plaintiff. Plaintiff will depose the individual Defendants and
4 representative(s) of the corporate Defendant concerning all of the above. With allowances for the
5 parties' schedules, Plaintiff anticipates that all discovery will be completed by November 1, 2002.

6 **DEFENDANTS:** Plaintiff and Defendants have agreed to provide certain disclosing
7 disbursement and expenditure records. Defendant expects to provide all those records that have been
8 requested of it within the next week. It is expected that Plaintiff will conduct discovery and seek to
9 understand the relationship between the parties as referenced regarding issues set forth in the
10 complaint. Defendant expects to serve interrogatories, request for production of documents and to
11 conduct depositions. Defendant anticipates that all discovery will be completed by November 1,
12 2002.

13 6. ~~The parties shall appear before the District Court on August 21, 2002 at~~
14 ~~3:00 p.m., for the Scheduling Conference.~~ *fpl*

15 7. The discovery cut-off date (defined as the last date to file responses to
16 discovery) is: November 1, 2002.

17 8. (a) The anticipated motions are: None., (b) The anticipated dispositive
18 motions are: None.

19 9. The prospects for settlement are: Unknown.

20 10. The Preliminary Pretrial Conference shall be held on the 15th day of
21 January, 2003, at 3:00 p.m.

22 11. The parties pre-trial materials, discovery material, witness list, designations
23 and exhibit lists shall be filed on or before January 22, 2002.

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1 12. The Proposed Pre-Trial Order shall be filed on or before January 22, 2003.
2 13. The final Pre-trial Conference shall be held on or before January 28, 2003
3 at 3:00 p.m.

4 14. The Trial shall be held on the 4th day of February, 2003, at 9:30 a.m.
5 15. The Trial is not a jury trial.
6 16. It is anticipated that it will take two (2) days to try this case.
7 17. The names of the Counsels on this case are:

8 **Plaintiff:** John B. Maher, Esq.
9 **McKeown Vernier Price Maher**
10 115 Hesler Place, Ground Floor
11 Governor Flores Building
12 Hagåtña, Guam 96910
13 Telephone: (671) 477-7059
14 Facsimile: (671) 472-5487

15 **Defendants:** Phillip Torres, Esq.
16 **Teker Civille Torres & Tang, PLLC**
17 Suite 200, 330 Hernan Cortez Avenue
18 Hagåtña, Guam 96910
19 Telephone: (671) 477-9891
20 Facsimile: (671) 472-2601

21 18. The parties do wish to submit this case to a settlement conference.
22 19. The parties present the following suggestion for shortening trial: None at
23 this time.

24 20. The following issues will also affect the status or management of the case:
25 Once Plaintiff has discovered or Defendants have disclosed the disbursement and expenditure of
26 the \$200,000.00 paid-in capital advanced to defendants, Plaintiff may need to join additional
27 parties in the lawsuit, including Guam Kai-Oh Co., Ltd., and individual shareholders and

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directors.

Dated at Hagåtña, Guam this 19 day of August, 2002.

CONSUELO B. MARSHALL
Designated District Judge

HONORABLE JOHN S. UNPINGCO
Chief Judge, District Court of Guam

APPROVED AS TO FORM AND CONTENT:

TEKER CIVILLE TORRES & TANG, PLLC

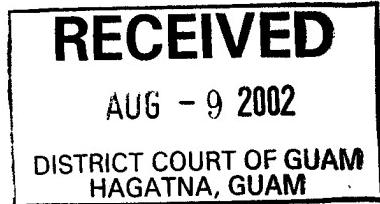
DATED: 8/8/02

By: Phillip Torres
PHILLIP TORRES
Attorneys for Defendants

McKEOWN VERNIER PRICE & MAHER

DATED: 8 | 9 | 02

By: John B. Maher
JOHN B. MAHER
Attorneys for Plaintiff



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